

## INTERVENTION



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AZ CORP COMPHISSION THOUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL CHAIRMAN

JIM IRVIN COMMISSIONER

MARC SPITZER COMMISSIONER

IN THE MATTER OF OWEST

FREEZE TARIFF

CORPORATION'S APPLICATION FOR

APPROVAL OF LOCAL SERVICE

Arizona Corporation Commission

DOCKETED

FFB 0 4 2002

DOCKETED BY

Docket No. T-01051B-02-0073

## JOINDER IN MOTION AND APPLICATION FOR INTERVENTION OF TIME WARNER TELECOM OF ARIZONA, LLC

Time Warner Telecom of Arizona, LLC ("TWTA") joins in the Motion for Suspension and for Hearing filed by Cox Arizona Telcom, L.L.C. ("Cox") in the above-referenced docket. TWTA shares in the concerns raised by Cox in its Motion regarding Qwest's plans to allow its customers to place a local carrier freeze on their accounts and strongly concurs that action by the Arizona Corporation Commission is necessary given the state of competition in Arizona and the potential anticompetitive impact of such a freeze in the local market.



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In addition, pursuant to Rule 14-3-105 of the Arizona Corporation Commission Rules of Practice and Procedure, TWTA applies to intervene in the above-captioned proceeding and states the following:

- 1. TWTA was certificated to provide telecommunications services in Arizona in Arizona Corporation Commission Decision No. 63262 (December 14, 2000).
- 2. TWTA is both a customer and a competitor of Qwest for telecommunication services in Arizona and is directly and substantially affected by Qwest's plan to allow its customers to place local carrier freezes on their accounts.
- 3. TWTA respectfully requests that its application to intervene be granted at this time because TWTA's participation in this proceeding will not unduly broaden the nature or scope of this proceeding and will not delay the proceedings.
- 4. If TWTA is granted intervention, communications regarding this matter should be addressed to the following persons:

Thomas H. Campbell Michael T. Hallam LEWIS AND ROCA 40 N. Central Avenue Phoenix, AZ 85004 (602) 262-5723 Brian Thomas, Vice President Regulatory - West Time Warner Telecom, Inc. 520 S.W. 6<sup>th</sup> Avenue, Suite 300 Portland, Oregon 97204 (503) 416-1588

WHEREFORE, TWTA respectfully requests that the Arizona Corporation Commission grant Cox's Motion for Suspension and for Hearing and issue an order granting TWTA intervention in the above-captioned proceeding.



LAWYERS RESPECTFULLY SUBMITTED this 4th day February, 2002. 1 LEWIS AND ROCA 2 3 Thomas H. Campbell 4 Michael T. Hallam 5 40 N. Central Avenue Phoenix, Arizona 85004 6 AND-7 **Brian Thomas** Time Warner Telecom, Inc. 8 520 S.W. 6<sup>th</sup> Avenue, Suite 300 9 Portland, Oregon 97204 Attorneys for Time Warner Telecom of Arizona, 10 11 12 ORIGINAL AND ten (10) copies of the foregoing hand-delivered this 13 4th day of February, 2002, to: 14 Arizona Corporation Commission 15 Utilities Division – Docket Control 1200 W. Washington Street 16 Phoenix, Arizona 85007 17 18 COPY of the foregoing hand-delivered this 4th day of February, 2002, 19 to: 20 Lyn Farmer, Esq. Chief ALJ, Hearing Division 21 Arizona Corporation Commission 22 1200 West Washington Phoenix, Arizona 85007 23 Christopher Kempley, Esq. 24 Chief Counsel, Legal Division Arizona Corporation Commission 25 1200 West Washington Street Phoenix, Arizona 85007 26



Ernest Johnson Director, Utilities Division Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007

COPY of the foregoing mailed this 4th day of February, 2002, to:

Timothy Berg, Esq. Fennemore Craig, PC 3003 North Central Avenue Suite 2600 Phoenix, Arizona 85012-2913 Counsel for Qwest Corporation

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Jayre Williams